

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED

OCT 4 2006

HARFORD COUNTY COUNCIL

Shaded Areas for Office Use Only

Case No. 5574
Date Filed 10/2/06
Hearing Date _____
Receipt _____
Fee \$50.00

Type of Application

- ____ Administrative Decision/Interpretation
____ Special Exception
____ Use Variance
____ Change/Extension of Non-Conforming Use
____ Minor Area Variance
____ Area Variance
____ Variance from Requirements of the Code
____ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5574 MAP 33 TYPE Variance
ELECTION DISTRICT 03 LOCATION 36 North Forest Drive, Forest Hill 21050
BY Joseph and Dina Cavallaro
Appealed because a variance pursuant to Sec. 267-26C (6) of the Harford County Code
to allow a deck to be located within a recorded easement in the VR district requires
approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name JOSEPH CAVALLARO Phone Number 410 838 0460
Address 36 NORTH FOREST DR FOREST HILL MD 21050
Street Number Street City State Zip Code

Co-Applicant DINA CAVALLARO Phone Number AS ABOVE
Address AS ABOVE
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative N/A Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 36 NORTH FOREST DRIVE
FOREST HILL MD 21050

Subdivision NORTH FOREST 3346 Lot Number 14

Acreage/Lot Size .23 AC Election District THIRD Zoning VR

Tax Map No. 33 Grid No. 4D Parcel 421 Water/Sewer: Private ☐ Public ☒

List ALL structures on property and current use: TWO STORY SINGLE FAMILY HOME

Estimated time required to present case: 5 MIN

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

LOCATE 3 DECK POST AND PART OF LOWEST STAIR TREAD
APPROX ONE FOOT INSIDE UTILITY EASEMENT

Justification

EASEMENT IS 3 TIMES LARGER (30 FT) THAN ALL OTHER IN
DEVELOPMENT. POSTS & TREAD COVER 2.5 SQ FT OF AN 880
SQ FT DRAINAGE AREA NEXT TO HOME. DECK STAIR LOCATION
ENCUMBERED BY BUMP OUT FOR FIREPLACE (2'-2").

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)



PROPERTY MANAGEMENT, INC.

MANAGERS OF CONDOMINIUMS, HOMEOWNER
ASSOCIATIONS, & COMMUNITY ASSOCIATIONS

September 28, 2006

Mr. Joseph Cavallaro
36 North Forest Drive
Forest Hill, Md. 21050

Dear Mr. Cavallaro;

I am writing on behalf of the Board of Directors for the Forest Hill Homeowners Association Inc., with regard to your request to have your deck extend approximately one (1) foot into the county easement area. From an architectural position the board does not feel this would go against our covenants. Your deck has been approved as requested.

If you have any further questions or concerns feel free to contact the writer at 410-515-7390 or e-mailed at Bflanagan@MRAGTA.com.

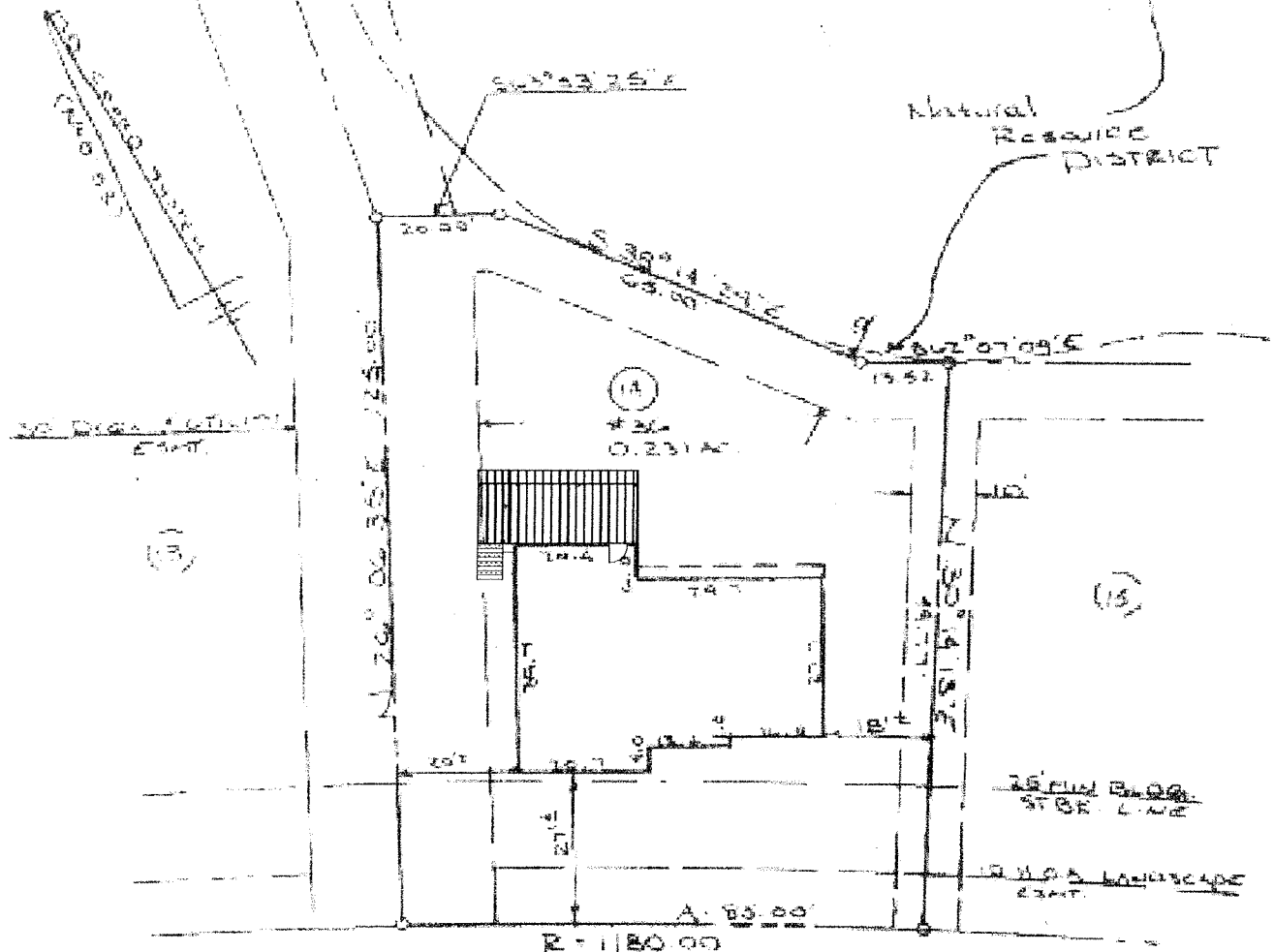
Very Truly Yours,

MRA Property Management, Inc.

A handwritten signature in black ink that reads "Barbara Flanagan". The signature is written in a cursive, flowing style.

Barbara Flanagan
Agent for North Forest

Cc: R. Jacobs
bf



NORTH FOREST DRIVE
(50' R/W)

FLOOD NOTE:
THIS IS TO CERTIFY THAT THE LAND SHOWN
THEREON IS NOT WITHIN THE FLOOD ZONES
AS SHOWN ON THE FLOOD INSURANCE
RATE MAPS AS PUBLISHED MARCH 2, 1983



SEE REVERSE FOR ADDITIONAL NOTES



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
139 N. Main Street, Suite 200
Bel Air, Maryland 21014
(410) 679-1690 • (410) 838-7560
Fax: (410) 879-1820

LOCATION: DRAUGHT
LOT 14
FINAL PLATTING PHASE ONE
NORTH FOREST
0.231 AC. PLOTT 93
THIRD COLLECTION DISTRICT
HARFORD COUNTY, MD.
FOR MALENE HONES

SCALE 1" = 20'	DATE 10-13-98	DRAWN BY DGI	DESIGN BY	REVIEW BY CK	FOR NO 100-40
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DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING AND ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

December 27, 2006

STAFF REPORT

BOARD OF APPEALS CASE NO. 5574

APPLICANT/OWNER: Joseph Cavallaro
36 North Forest Drive, Forest Hill, Maryland 21050

Co-APPLICANT: Dina Cavallaro
36 North Forest Drive, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicant

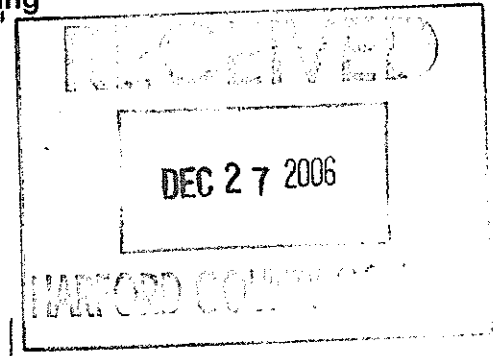
LOCATION: 36 North Forest Drive/North Forest Subdivision
Tax Map: 33 / Grid: 4D / Parcel: 421 / Lot: 14
Election District: Three (3)

ACREAGE: 0.23 acres

ZONING: VR/Village Residential

DATE FILED: October 2, 2006

HEARING DATE: January 8, 2007



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Locate 3 deck post and part of lowest stair tread approx one foot inside utility easement."

Preserving Harford's past; promoting Harford's future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • www.harfordcountymd.gov

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Joseph & Dina Cavallaro

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Justification:

“Easement is 3 times larger (30 feet) than all other in development. Posts and tread cover 2.5 square feet of an 880 square foot drainage area next to home. Deck stair location encumbered by bump out for fireplace (2' – 2").”

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to allow a deck to be located within a recorded easement in the VR/Village Residential District.

Section 267-26C(6) of the Harford County Code reads:

- (6) *No accessory use or structure, except fences, shall be located within any recorded easement area.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants property is located on the north side of North Forest Drive, east of Rock Spring Road. A location map and a copy of the Applicant’s site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located in the northern end of the Development Envelope. Land use designations include Rural Residential, High Intensity and Industrial/Employment. The Rural Village of Forest Hill is located to the north of the site. The subject property is designated as High Intensity which is defined by the 2004 Master Plan as:

***High Intensity** - Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

Land Use – Existing:

The existing land uses in the area conform to the overall intent of the Master Plan. Residential development includes single family dwellings, townhouses, garden apartments, condominiums

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Joseph & Dina Cavallaro

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and assisted living facilities. Commercial uses include single retail businesses, shopping centers, automotive related uses, restaurants, and personal and professional services. There are also institutional uses such as churches, schools and parks. There are also industrial uses in the area. The topography of the area ranges from rolling to steep, especially near the stream valleys. A topography map along with an enlargement of the aerial photograph area enclosed with the report (Attachments 5 and 6).

The subject lot is located on the north side of North Forest Drive and is 0.23 acre in size. The lot slopes up gently from the road to the front of the house and then sharply drops off towards the rear of the house and becomes more gently sloping again towards the rear property line. The topography is such that the dwelling is 2 stories in the front and 3 stories in the rear. The lot has drainage and utility easements on 3 sides, one of which is 15 feet wide. There is also a 10 foot landscape easement across the front of the lot. Improvements consist of a 2 story brick single family dwelling with an attached 2 car garage and a double wide concrete driveway. There are 2 sets of sliding glass doors on the rear of the dwelling, one from the basement level and the second from the main floor level which will have direct access to the proposed deck. The lot is nicely landscaped and all improvements appear to be well maintained. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 7 and 8).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning is predominantly VR/Village Residential and RR/Rural Residential zoning. Commercial zoning in the area includes VB/Village Business Districts and CI/Commercial-Industrial District. The subject property is zoned VR/Village Residential. Enclosed with the report is zoning map of the general area (Attachment 9).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-26C(6) of the Harford County Code to allow a deck to be located within a recorded easement in the VR/Village Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The lot slopes fairly steeply from the front to the back of the house. The lot also has an unusual rear property line configuration due to the Natural Resource District to the back of the lot. Most of the drainage and utility easements are only 10 feet wide. However, a 30 foot easement was recorded between Lots 13 and 14

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(Attachment 10). The requested variance will not adversely impact the intent of the Code or the adjacent properties.

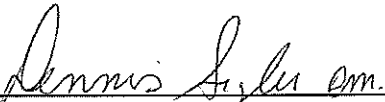
The Applicant has received approval from the Home Owners Association for the proposed deck (Attachment 11).

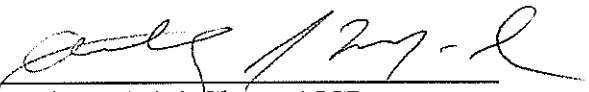
The Department of Public Works has reviewed the requested variance. The one foot encroachment into the easement will have little impact to any future construction which may utilize the easement. Therefore the Department of Public Works does not oppose the variance request. Enclosed is a copy of their comments (Attachment 12).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections for the deck.
2. If Harford County needs the structure to be moved in the future, it will be relocated at the owner's expense.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/dm